

Chapter 5.71**ESCORT SERVICE**

(3565-7/02)

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5.71.010 Findings and Purpose. The City Council finds and declares as follows: (3565-7/02)

- A. The permit requirements and restrictions imposed by this Chapter are necessary to protect the health, safety and welfare of the citizens of Huntington Beach; and (3565-7/02)
- B. There has been an increase in the incidence of acts of prostitution, pimping and pandering and robbery by use of debilitating narcotics in escort services and the establishment of standards for issuance of permits and restriction on operation would serve to reduce the risk of illegal activity; and (3565-7/02)
- C. The restrictions and requirements contained in this Chapter reduce the burden on the police department and permit the deployment of the police personnel such that more serious crimes may be prevented and more important laws be enforced; and (3565-7/02)
- D. The regulations and restrictions contained in this Chapter tend to discourage escort services from degenerating into house of prostitution and the means utilized in this Chapter bear a reasonable and rational relationship to the goals sought to be achieved.
(3565-7/02)

5.71.020 Definitions. For the purpose of this Chapter, the following words and phrases shall mean and include: (3565-7/02)

- A. Chief of Police: Chief of Police of the City of Huntington Beach or his or her designee. (3565-7/02)
- B. City Administrator: - City Administrator of the City of Huntington Beach or his or her designee. (3565-7/02)
- C. Employee: Any and all persons who work in or about or render any services whatsoever to the patrons or customers of escort service. (3565-7/02)
- D. Escort: Any person who, for a fee, commission, hire, reward or profit, accompanies other persons to or about social affairs, entertainments or places of amusement or consorts with others about any place of public resort or within any private quarters. Excluded from this definition are any persons employed by any business, agency or person excluded from the definitions of “escort service” below. (3565-7/02)
- E. Escort service: Any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusements, or who may consort with others about any place of public resort or within any private quarters. Excluded from this definition are any businesses, agencies or persons which provide escort services for older persons as defined in California *Welfare and Institutions Code* Section 9406, when such services are provided as part of a social welfare and health program for such older person. (3565-7/02)
- F. Operator: Any person operating an escort service, including but not limited to the owner or proprietor of the premises upon which it is located, and the lessee, sublessee, or mortgagee in possession. (3565-7/02)
- G. Person: An individual, firm, partnership, joint venture, association, social club, fraternal, organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination of acting as a unit, excepting the United States of America, the State of California and any political subdivision thereof. (3565-7/02)

5.71.030 Escort Service Permit Required. No person shall operate an escort service within the City of Huntington Beach without first having obtained an escort service permit and securing the necessary business license as required by this Code. (3565-7/02)

5.71.040 Application for Escort Service Permit. (3565-7/02)

- A. Any person desiring an escort service permit shall file a written application on the required form with the Chief of Police for an investigation. The applicant shall personally appear at the Police Department of the City of Huntington Beach and produce proof that the application fee as established by resolution of the City Council has been paid and shall present the application. (3565-7/02)
- B. For purposes of this section, applicant shall mean the owner of the proposed escort service, if a sole proprietorship; one general partner, if a partnership; one officer or director, if a corporation; and one participant, if a joint venture. (3565-7/02)
- C. The application shall contain or be accompanied by the following information: (3565-7/02)
 - 1. The type of ownership of the business, i.e., whether by individual, partnership, corporation or otherwise. (3565-7/02)

2. The precise name under which the escort service is to be conducted. (3565-7/02)
3. The complete address and all telephone numbers of the escort service. (3565-7/02)
4. A complete list of the names and resident addresses of all proposed employees in the escort service and the names and resident address of the manager or managing employee proposed to be principally in charge of the operation of the escort service. (3565-7/02)
5. The following personal information concerning the applicant: (3565-7/02)
 - a. The full, true name and any other names, including aliases, used by the applicant. (3565-7/02)
 - b. The present business address and telephone number of the applicant and previous addresses, if any, for a period of five (5) years immediately prior to the present address. (3565-7/02)
 - c. Acceptable written proof that the applicant is at least eighteen (18) years of age. (3565-7/02)
 - d. The applicant's height, weight, color of eyes and hair and date and place of birth, unless applicant is a partnership or corporation, in which case this information shall be supplied for the person or persons authorized to execute the application. (3565-7/02)
 - e. The social security number and state driver's license or identification card of the applicant. (3565-7/02)
 - f. The applicant's fingerprints on a form provided by the Police Department and two color photographs clearly showing the applicant's face at least 2" x 2" taken within the last six (6) months. Any fees for the fingerprints or photograph shall be paid by the applicant. (3565-7/02)
 - g. The escort service or similar business history and experience of the applicant, including but not limited to, whether or not such person in previously operating an escort service or similar business in this City or other city under license or permit, has had such license or permit denied, revoked, or suspended and the reasons therefor. (3565-7/02)
 - h. All felony convictions of the applicant within the last five (5) years and all misdemeanor convictions within the last two (2) years of the applicant of any of the offenses set forth in California Penal Code Sections 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(d) of the California Penal Code as those sections now appear or may hereafter be amended or renumbered or the equivalent of the aforesaid offenses outside of the State of California. (3565-7/02)
 - i. If the applicant intends to operate the escort business under a name other than that of the applicant the applicant shall file the fictitious name of the escort business and show proof of registration of the fictitious name. (3565-7/02)

j. If the applicant is:

- (1) a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, evidence that the corporation is in good standing under the laws of the State of California, the name of the registered corporate agent and the address of the registered office for service of process, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors, and each stockholder holding more than twenty percent (20%) of the stock in the corporation; (3565-7/02)
- (2) a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners, and attached a copy of the partnership agreement. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply.

The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. All individuals owning a twenty percent (20%) or greater equitable interest in the escort business shall complete and sign all application forms required of an individual applicant under this Chapter, but only one application fee shall be charged. (3565-7/02)

6. Authorization for the City, its agents and employees to seek verification of the information contained in the application. (3565-7/02)
7. The name and address of the owner and lessor of the real property upon which the business is to be conducted, and, if applicable, a copy of the lease or rental agreement. (3565-7/02)
8. Such other information and identification as deemed necessary by the Chief of Police and approved by the City Council. (3565-7/02)
9. A statement in writing signed and dated by the applicant that he or she certifies under penalty of perjury that all of the information contained in the application is true and correct. (3565-7/02)

5.71.050 Escort Service Permit Issuance and Denial. (3565-7/02)

- A. Upon receipt of a written application for a permit, the Chief of Police shall conduct an investigation in such a manner as he or she deems appropriate in order to ascertain whether such permit should be issued as requested. The Chief of Police shall approve, conditionally approve, or deny the application within sixty (60) days of filing of the application unless the Chief makes any of the following findings: (3565-7/02)
 1. Any person that will be directly engaged or employed in the escort service has been convicted of a violation of *Health & Safety Code* Section 11550 or a violation of *Penal Code* Sections 266, 315, 316, 318 or 647(b), or has been convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned

offenses, or that any such person is required to register under the provisions of *Penal Code* Section 290. (3565-7/02)

2. If relevant Department of Justice state summary criminal history information is not received within the sixty day investigation period, the Chief of Police is authorized to issue a temporary permit. A final decision granting or denying a permit shall be made after receipt of such summary criminal history information. If the permit is granted, its effective date shall be the date of issuance of the temporary permit. If the permit is denied, the temporary permit shall expire upon notice of denial. (3565-7/02)
3. Any person that will be directly engaged or employed in the escort service has been convicted of any offense involving the sale of a controlled substance specified in *Health & Safety Code* Sections 11054, 11055, 11056, 11057 or 11058 or the possession for sale and/or possession of a controlled substance specified in *Health & Safety Code* Section s 11054, 11055, 11056, 11057 or 11058 either in an escort service or while employed by an escort service or has been convicted in any other state of any offense which would have been punishable as one or more of the above-mentioned offenses. (3565-7/02)
4. Any person that will be directly engaged or employed in the escort service, has committed an act which if done by a permittee under the Chapter, would be grounds for suspension or revocation of the permit. (3565-7/02)
5. Any person that will be directly engaged or employed in the escort service has had a permit or license to operate an escort service business revoked by the granting authority. (3565-7/02)
6. Any person that will be directly engaged or employed in the escort service has been convicted of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself, herself or another or substantially injure another or an act of violence, which act or acts are substantially related to the qualifications, functions or duties of the escort service. (3565-7/02)
7. The operations of the escort service would, if allowed, constitute a public nuisance. (3565-7/02)
8. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the permit application process. (3565-7/02)
9. The application does not contain the information required by Section 5.71.040. (3565-7/02)
10. The applicant has not satisfied the requirements of this Chapter. (3565-7/02)
11. The premises where the escort service business will be conducted does not comply with all applicable laws, including but not limited to, the building, planning, housing and fire codes of the City of Huntington Beach. (3565-7/02)

B. All escort service permit holder shall comply with the following conditions and any other conditions specified by the Chief of Police on issuance of the escort service permit:
(3565-7/02)

1. No person granted a permit as herein provided shall operate under any name or conduct business under any designation not specified in his or her permit.
(3565-7/02)
2. The escort service permit holder shall only employ persons who have obtained and then possess a valid employee permit issued pursuant to this Chapter. Every escort service permit holder shall report to the Chief of Police any change of employees, whether by new or renewed employment, discharge or termination, the report to contain the name of the employee and the date of change. The report shall be made within five days of the change. The escort service permittee shall take all reasonable steps to ensure the return to the Chief of Police of the employee permit of all employees no longer employed at the escort service.
(3565-7/02)
3. The escort service permit holder shall conspicuously display the escort service permit in an easily accessible public place within the escort service. (3565-7/02)
4. The escort service shall not refuse the service on the basis of a customer's sex, race, color, religion, ancestry, national origin or other arbitrary factor prescribed by the Unruh Civil Rights Act, *Civil Code* Section 51, *et seq.* (3565-7/02)
5. The escort service shall have a manager on the premises at all times during when the escort service is open. The operator of each escort service shall file a statement with the Chief of Police designating the person or person with power to act as a manager at the operator's escort service. Whenever the escort service is open and the operator is absent, the designated manager(s) shall be responsible for ensuring compliance with Sections 5.71.050(B)(1) of this Chapter. The manager of each escort service shall take necessary steps to ensure that copies of the employee permit for each on-duty employee shall be conspicuously displayed in an easily accessible public place within the escort service. (3565-7/02)
6. The escort service shall comply with all provisions of this Chapter and the applicable provisions of the Huntington Beach Municipal Code. (3565-7/02)

5.71.060 Escort Employee Permit Required. No person shall work in or about an escort service in the City of Huntington Beach or perform any services for a customer or an escort service wherever located, without first securing an escort permit. (3565-7/02)

5.71.070 Application for Escort Permit. (3565-7/02)

- A. Any person desiring an employee permit shall personally appear at the City of Huntington Beach and file a written application on the required form with the Chief of Police for investigation. The applicant shall accompany the application with the appropriate application fee as set by resolution of the City Council. (3565-7/02)
- B. The application shall contain or be accompanied by the following information: (3565-7/02)

1. A statement of the exact locations of which the applicant will be working as an employee of an escort service, including the full street address and all telephone numbers associated with said locations, and the name and address of the escort services, including the managers and owners of the escort services. (3565-7/02)
2. The following personal information concerning the applicant; (3565-7/02)
 - a. The full, true name and any other names, including aliases, used by the applicant. (3565-7/02)
 - b. The present residence address and telephone number of the applicant and previous addresses, if any, for a period of five (5) years immediately prior to the present address. (3565-7/02)
 - c. Acceptable written proof that the applicant is at least eighteen (18) years of age. (3565-7/02)
 - d. Height, weight, color of hair, eyes and sex. (3565-7/02)
 - e. The social security number and state driver's license or identification card of the applicant. (3565-7/02)
 - f. The applicant's fingerprints on a form provided by the Police Department and two color photographs clearly showing the applicant's face at least 2" x 2" taken within last six (6) months. Any fees for the fingerprints or photograph shall be paid by the applicant. (3565-7/02)
 - g. The escort service or similar business history experience of the applicant, including but not limited to, whether or not such person, in previously performing escort services or being employed by an escort service or similar business in this City or other city under license or permit, has had such license or permit denied, revoked or suspended and the reasons therefor. (3565-7/02)
3. All criminal convictions, except minor traffic violations, including date and place of each such conviction and reasons therefor. (3565-7/02)
4. Authorization for the City, its agents and employees to seek verification of the information contained in the application. (3565-7/02)
5. A statement in writing signed and dated by the applicant that he or she certifies that under penalty of perjury that all information contained in the application is true and correct. (3565-7/02)
6. Such other information and identification as deemed necessary by the Chief of Police and approved by the City Council. (3565-7/02)

5.71.080 Employee Permit Issuance and Denial. (3565-7/02)

- A. Upon receipt of a written application for a permit, the Chief of Police shall conduct an investigation in such manner as he or she deems appropriate in order to ascertain whether such permit should be issued as requested. The Chief of Police shall approve,

conditionally approve, or deny the application within forty-five (45) days of filing of the application. Said forty-five (45) day period may be continued for an additional thirty (30) days if necessitated by the occurrence of events beyond the control of the Chief of Police. The Chief of Police shall issue such permit as requested unless the Chief of Police makes any of the following findings: (3565-7/02)

1. The applicant has been convicted of a violation of *Health and Safety Code* Section 11550 or a violation *Penal Code* Sections 266i, 315, 316, 318 or 647(b), or has been convicted in any other state of any offense which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses or that the applicant is required to register under the provisions of *Penal Code* Section 290. (3565-7/02)
 2. If relevant Department of Justice state summary criminal history information is not received within the sixty day investigation period, the Chief of Police is authorized to issue a temporary permit. A final decision granting or denying a permit shall be made after receipt of such summary criminal history information. If the permit is granted, its effective date shall be the date of issuance of the temporary permit. If the permit is denied, the temporary permit shall expire upon notice of denial. (3565-7/02)
 3. The applicant has been convicted of any offense involving the sale of a controlled substance specified in *Health & Safety Code* Sections 11054, 11055, 11056, 11057 or 11058 either in an escort service or while employed by an escort service has been convicted in any other state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses. (3565-7/02)
 4. The applicant has committed an act, which, if done by a permittee under this Chapter, would be grounds for suspension or revocation. (3565-7/02)
 5. The applicant has had a permit license to operate an escort service or to work in or about an escort service revoked by the granting authority. (3565-7/02)
 6. The applicant has been convicted of an act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself, herself or another or substantially injure another or an act of violence, which act or acts are substantially related to the qualifications, functions, or duties of an employee of the escort service. (3565-7/02)
 7. The applicant has knowingly made a false, misleading, or fraudulent statement of fact to the City in the permit application process. (3565-7/02)
 8. The application does not contain the information required by Section 5.71.070. (3565-7/02)
 9. The applicant has not satisfied the requirements of this Chapter. (3565-7/02)
- B. All employees of the escort services shall comply with the following conditions and any other conditions specified by the Chief of Police and approved by City Council on issuance of the employee permit. (3565-7/02)
1. No person granted a permit as herein provided shall operate under any name or conduct business under any designation not specified in his or her permit. (3565-7/02)

2. The employee of the escort service shall carry a photo identification card prepared and issued by the Chief of Police on the person when working pursuant to the permit. If an employee changes his or her business address, he or she shall, within seven days after such change occurs advise the Chief of Police, in writing, of the new business address, and obtain from the Chief of Police a new photo identification card. (3565-7/02)
3. Every employee shall conspicuously display the employee permit in an easily accessible public place within the escort service. (3565-7/02)

5.71.090 Change of Business. Every escort service permit holder shall report immediately to the Chief of Police any and all changes of ownership or management of the escort service including, but not limited to changes of manager or other persons principally in charge, stock holders holding more than ten percent of the stock of the corporation, officers, directors, and partners, any and all changes of name, style or designation under which the business is to be conducted, and all changes of address or telephone numbers of the escort service business. A change of location of any premises may be approved by the Chief of Police provided that there is compliance with all applicable regulations of the City of Huntington Beach. (3565-7/02)

5.71.100 Fees. The City Council shall establish by resolution and from time to time, amend fees for the administration of this Chapter. Fees required by this Chapter shall be in addition to any required under any other Chapter of this Code. (3565-7/02)

5.71.110 Existing Escort Services. (3565-7/02)

- A. Commencing on the date of adoption of this Chapter, permits are to be issued in accordance with the provisions of this Chapter. Existing escort services may continue in effect until one hundred and eighty (180) days after adoption of this Chapter. Within one hundred and eighty (180) days, existing escort services shall apply for an escort service permit pursuant to this Chapter. (3565-7/02)
- B. Persons currently employed by an escort service may remain in such employment until one hundred and eighty (180) days from the date of adoption of this Chapter. Within one hundred eighty (180) days, each such person shall apply for an employee permit pursuant to this Chapter. (3565-7/02)
- C. Reasonable extensions of the time period specified above shall be granted by the Chief of Police upon a proper showing and upon a timely request therefor. (3565-7/02)

5.71.120 Transfer and Duration and Renewal of Permits. (3565-7/02)

- A. All escort service permits and escort permits shall be issued for a period of twelve (12) months and shall expire twelve (12) months from its issuance. (3565-7/02)
- B. Applications for the next ensuing permit shall be filed with the Chief of Police before the expiration of the existing permit. Such renewal applications must be filed no later than thirty (30) days prior to the expiration of the permit to permit a lapse of the permit. (3565-7/02)
- C. Each applicant for renewal shall file such information as may be required by the Chief of Police to update the information required for his or her original permit application. The applicant shall accompany the application for renewal with the appropriate filing fee. (3565-7/02)

- D. No permit issued hereunder shall be transferable to any other person or establishment; provided, however, an additional location or change of location of an escort service will be allowed upon thirty (30) days' prior written notice to the Chief of Police and the payment of the appropriate transfer fee. (3565-7/02)

5.71.125 Escort Service Change of Location or Name. (3565-7/02)

- A. No escort service shall move from the location specified on its permit until a change of location fee in the sum set by resolution of the City Council has been paid to the City of Huntington Beach, and approval has been obtained from the Chief of Police and the Planning Department. Such approval shall not be given unless all requirements and regulations, as contained in the City's codes, have been met. (3565-7/02)
- B. No permittee shall operate, conduct, manage, engage in, or carry on the business of escort service under any name other than his name and the name of the escort service specified on his permit. (3565-7/02)
- C. Any application for an extension or expansion of a building or other place of business where an escort service is located shall require inspection and shall comply with the provisions and regulations of this Chapter and all other city ordinances including zoning ordinances. (3565-7/02)

5.71.130 Employment of Persons Under the Age of Eighteen Prohibited. It shall be unlawful for any owner, proprietor, manager or other person in charge of any escort service to employ any person who is not at least eighteen (18) years of age. (3565-7/02)

5.71.140 Age of Customer. It shall be unlawful for any owner, proprietor, manager or other person in charge of any escort service to allow any person under the age of eighteen (18) years to patronize an escort service as a customer or patron. (3565-7/02)

5.71.150 Inspection. The Police Department may, from time to time, during hours of operation, inspect each escort service that operates within the City of Huntington Beach for the purposes of determining that there is compliance with the provisions of this Chapter. (3565-7/02)

5.71.160 Daily Register. Every person who engages in, conducts, or carries on the operation of an escort service shall keep a daily register, approved as to form by the Police Department, containing the following information: (3565-7/02)

- A. The identification of all employees employed by such establishment together with a duplicate of each of the escort permits of each employee; and (3565-7/02)
- B. The hours of employment of each employee for each day. (3565-7/02)

5.71.170 Permit Suspension and Revocation. The Chief of Police may suspend or revoke a permit if a permittee has: (3565-7/02)

- A. Knowingly made any false, misleading, or fraudulent statements in the applications; or (3565-7/02)
- B. Violated any provision of this Chapter or of any statute relating to his permitted activity; or (3565-7/02)

- C. Been convicted of a felony or misdemeanor involving moral turpitude or been convicted of a felony or misdemeanor while engaged in the practice of giving massage or the operation of a massage establishment. (3565-7/02)

The permittee shall be provided with written notice by first-class mail, postage prepaid, of such suspension or revocation. The permittee may file an appeal with the City Clerk within fifteen (15) days of the date of mailing of the notice of denial, suspension or revocation. In the event an appeal is timely filed, the suspension or revocation shall not take effect until final decision has been rendered by the City Council, unless permittee has requested a continuance, as provided elsewhere in this Chapter. If no appeal is filed, the suspension or revocation shall become effective upon expiration of the period for filing appeals. (3565-7/02)

5.71.180 Appeal Procedure. (3565-7/02)

- A. The City Clerk shall schedule a hearing to be held within fifteen (15) days after the filing of the notice of appeal. (3565-7/02)
- B. Notice of the date, time and place of the hearing shall be mailed, postage prepaid, at least ten (10) days prior thereto to the permittee at the address given in the notice of appeal, or if none is provided, to the address set forth in the permit application. (3565-7/02)
- C. The City Council may grant or deny a continuance; may dissolve stays of pending orders of denial, suspension or revocation or of pending orders of denial, suspension or revocation; and may appoint outside hearing officers. (3565-7/02)
- D. The City Council shall determine, after consideration of all evidence presented, whether a permit should be issued, reinstated, suspended or revoked. The decision of the City Council shall be final. (3565-7/02)

5.71.190 Appeal Hearing. The following rules of evidence shall apply: (3565-7/02)

- A. Oral evidence shall be taken only under oath or affirmation. The City Council shall have authority to administer oaths, and to receive and rule on admissibility of evidence. (3565-7/02)
- B. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses who have testified under direct examination. The City Council may call and examine any witness. (3565-7/02)
- C. Technical rules relating to evidence and witnesses shall not apply to hearings provided for herein. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay testimony may be used for the purpose of supplementing or explaining any evidence given in direct examination, but shall not be sufficient in itself to support a finding unless such testimony would be admissible over objection in civil actions. The rules of privilege shall be applicable to the extent that they now, or are hereafter, permitted in civil actions; and irrelevant, collateral, undue, and repetitious testimony shall be excluded. (3565-7/02)

5.71.200 Applications Barred for One Year. (3565-7/02)

- A. Whenever any application is filed for a permit under this Chapter and said application has been denied by the Chief of Police, or a permit issued under this Chapter has been

revoked, and no appeal has been taken to the City Council or when any appeal from such denial or revocation has been taken to the City Council and said City Council has concurred in the judgment or order of denial or revocation, said application for said permit, or for a like permit for the same location or by the same applicant shall not be heard by the Chief of Police until the expiration of one year from the date of the previous denial or revocation of said permit or application. (3565-7/02)

- B. There shall be no appeal to said City Council for failure or refusal to hear any such application or appeal within said one year. (3565-7/02)
- C. For the purposes of this section, "same applicant" shall mean a corporation having substantially the same shareholders as a prior corporate applicant, or a partnership having substantially the same membership as a prior partnership applicant. "Same applicant" shall also mean any officer, director, shareholder or partner of a prior corporate or partnership applicant. (3565-7/02)
- D. When any permit is denied solely by reason of Sections 5.71.050(A)(8), 5.71.050(A)(10) or 5.71.080(A)(7) preventing the granting of said permit, and the requirements of said sections are subsequently satisfied, the one year prohibition against reapplication will not apply. (3565-7/02)

5.71.210 Violation and Penalty.

- A. Every person, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator or whether acting and a participant or worker in any way who operates an escort service within the City without first obtaining a permit and paying for a license to do so from the City or violating any provision in this Chapter, shall be guilty of a misdemeanor, punishable by a fine of Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or by both such fine and imprisonment. (3565-7/02)
- B. Any owner, operator, manager or permittee in charge or in control of the escort service who knowingly employs a person who is not in possession of a valid employee permit as an employee of the escort service is guilty of a misdemeanor. (3565-7/02)

5.71.220 Unlawful Operation Declared Nuisance. Any escort service operated, conducted or maintained contrary to the provisions of this Chapter shall be, and the same is hereby declared to be, unlawful and a public nuisance. The City Attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or injunction thereof, in the manner provided by law. The City Attorney shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as shall abate or remove such escort service and restrain and enjoin any person from operating, conducting or maintaining an escort service contrary to the provisions of this Chapter. (3565-7/02)

5.71.230 Severability If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or application thereof to any person or circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The City Council hereby declares that it would have passed such section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. (3565-7/02)